



Crl.O.P.No.25927 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 325, 506(ii) and 383 of IPC @ Sections 147, 148, 341, 294(b), 323, 325, 506(ii), 383 and 307 of IPC, in Crime No.249 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Kapil Sharma, Deputy General Manager (Vehicle Production Engineering) of M/s.PCA Automobiles India Private Limited, Adigathur Village, Kadampathur Post, Thiruvallur District-631 203, is that on 12.09.2022 at about 08.15 a.m., while he was 200 meters from the Factory, he was informed that there was some disturbance at the Factory gate by some past employees of M/s.Hindustan Motors Finance Corporation Limited, Thiruvallur, and the villagers, and the employees were being denied entry into the Factory premises, he waited in the Factory provided vehicle for about 20 minutes and since he felt hungry,



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stepped out to take some refreshments from an eatery by name "Juice Garden" at 8.35 a.m., at Pattarai, opposite to Government Primary School, suddenly, a group of six to eight persons came to the eatery and started threatening people and throwing their plates and was also shooing them away, since the concerned people eating in that "Juice Garden" were from the M/s.PCA Automobiles India Private Limited Engineering Partner Organization, during such time, the driver of the Fortuner Car parked behind the de facto complainant came running towards him followed by two tall and hefty persons, who opened the boot of the said Fortuner Car, which had a cache of deadly weapons and they along with the other trouble creating miscreants including the driver started beating the de facto complainant with hands and sticks. The defacto complainant had recorded the same in his mobile phone and the accused have snatched the phone and threw it to the ground with the intent to destroy it. They also took the signature in two A4 size blank white paper and left him with several multiple injuries. The defacto complainant was admitted in the Government Hospital, Thiruvallur and later referred to Multi Speciality Hospital at Chennai. The further allegation is that the



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defacto complainant came to know through social media that the persons who assaulted him were one Balayogi, Dinesh and driver of the fortuner car and five other persons who were along with them and they could be identified. Hence the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner/A1 is the former Union Vice President attached to M/s.Hindustan Motors Finance Corporation Limited, Thiruvallur and the second to fourth petitioners/A4 to A6 are his driver and union members. He would further submit that the petitioners are innocent persons and they have been falsely roped into this case. The defacto complainant is the Deputy General Manager of M/s.PCA Automobiles India Private Limited. Since some of the employees agitated against the unfair trade practice adopted by the company they were terminated and the terminated employees along with other members of respective labour union were demonstrating in front of the factory gate. During such time there was commotion. Earlier in respect of the very same incident a complaint was given by one Augustine Justin, who is the authorised



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signatory of M/s.PCA Automobiles India Private Limited and the complaint was given to the Thiruvallur Taluk Police Station, Thiruvallur. Based on his complaint the case has been registered in Crime No.340 of 2022 for the offences under Sections 147, 149, 323, 324, 341, 447 and 506(ii) of IPC. In that complaint, in respect of the very same incident, the said Augustine Justin had named 25 persons and the petitioners name did not find place in the complaint. Only later in order to rope the petitioners in this case a false complainant has been given after two days before the present respondent/Manavalanagar Police Station, Thiruvallur District, implicating the names of the petitioners in this case. He would also submit that co-accused/A2 in this case was enlarged on Anticipatory Bail by this Court in Crl.O.P.No.24490 of 2022 on 06.10.2022 and another co-accused/A3 in this case was arrested and subsequently enlarged on bail by the trial Court in Crl.M.P.No.4115 of 2022 on 17.10.2022. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor for the respondent would submit that the first petitioner/A1 is the former Vice President of the Labour Union of M/s.Hindustan Motors Finance Corporation Limited, Thiruvallur and the second to fourth petitioners/A4 to A6 are the driver and associates of the first petitioner/A1. He would further submit that on 12.09.2022 at about 8.35 a.m., when the de facto complainant was taking refreshments from an eatery by name "Juice Garden" at Pattarai, opposite to Government Primary School, Thiruvallur District, the petitioners along with other accused have surrounded him and brutally assaulted him with sticks and hand resulting in him sustaining injuries. He would also submit that co-accused/A2 in this case was enlarged on Anticipatory Bail by this Court in Crl.O.P.No.24490 of 2022 on 06.10.2022 and another co-accused/A3 in this case was arrested and subsequently enlarged on bail by the trial Court in Crl.M.P.No.4115 of 2022 on 17.10.2022. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Mr.Abdul Saleem, learned counsel for the intervenor/de facto complainant would submit that it is a case where the terminated employees of M/s.PCA Automobiles India Private Limited, made an agitation before the said Factory gate on 12.09.2022 at about 8.15 a.m., hence the entry of the main gate was blocked. While so, the de facto complainant was held up at the main gate, since he felt hungry, he got down from the Factory vehicle and stepped out to take some refreshments from an eatery by name "Juice Garden" at 8.35 a.m., at Pattarai, opposite to Government Primary School, Thiruvallur District. At that time, the petitioners along with other accused had entered into a wordy quarrel with the de facto complainant and have brutally assaulted the de facto complainant in front of the Factory gate, resulting in him sustaining grievous injuries. He would further submit that due to grievous injuries, the de facto complainant was admitted in Apollo Speciality Hospital, Chennai and only after discharge, he had given a complain and thereby there was a two days delay in lodging the complaint. He would also submit that the de facto complainant is having



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continuous pain in his body. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned Counsel and perused the FIR in Crime No.340 of 2022 registered by the Thiruvallur Taluk Police Station, Thiruvallur District and the FIR in Crime No.249 of 2022 registered by the Manavala Nagar Police Station, Thiruvallur District.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Counsel and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Thiruvallur**, on condition that each of the



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petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, Madurai, everyday at 10.30 a.m., for a period of four weeks and thereafter report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

01.12.2022

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